

105TH CONGRESS  
1ST SESSION

# H. R. 627

To establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1997

Mr. ABERCROMBIE (for himself, Mr. KIM, and Mrs. MINK of Hawaii) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. KOREA VISA WAIVER PILOT PROGRAM.**

4       (a) CONGRESSIONAL FINDINGS.—The Congress finds  
5   that—

6           (1) travel and tourism play a major role in re-  
7       ducing the United States unfavorable balance of  
8       trade;

1           (2) the characteristics of the Korean travel  
2           market do not permit long-term planning for longer  
3           trips;

4           (3) applications for United States visas cannot  
5           now be processed in a reasonable period of time;

6           (4) the Secretary of State has attempted to  
7           solve the problem by adding additional staff to the  
8           consular section at the United States Embassy in  
9           Seoul;

10          (5) unfortunately, these additions have not re-  
11          sulted in any discernible improvement in reducing  
12          visa processing delays;

13          (6) further, it is unlikely, given the current fis-  
14          cal environment, to expect funding to be available  
15          for further staff additions in sufficient numbers to  
16          effect any significant improvement in the time re-  
17          quired to process visa applications;

18          (7) most of the nations of the South Pacific,  
19          Europe, and Canada do not currently require Kore-  
20          ans entering their countries to have a visa, thus pro-  
21          viding them with a serious competitive advantage in  
22          the tourism industry;

23          (8) the United States territory of Guam has  
24          been permitted by the United States Government to  
25          eliminate visa requirements for Koreans visiting

1 Guam, with resultant impressive increases in travel  
2 and tourism from citizens of the Republic of Korea;

3 (9) any application under existing procedures to  
4 add the Republic of Korea, or any other nation to  
5 the group of favored nations exempted from United  
6 States visa regulations, would require many years  
7 during which time the United States could well lose  
8 its competitive advantages in attracting travel and  
9 tourism from the Republic of Korea;

10 (10) the Republic of Korea, as a gesture of  
11 goodwill, has already unilaterally exempted United  
12 States tourists who seek to enter the Republic of  
13 Korea from the requirement of obtaining a visa; and

14 (11) growth in Korean travel to the United  
15 States has not kept pace with growth in travel to  
16 non-United States destinations, and cumbersome  
17 and time-consuming visa processing procedures are  
18 widely recognized as the cause of this loss of market  
19 share and competitiveness with alternative destina-  
20 tions.

21 (b) PILOT PROGRAM.—The Secretary of State and  
22 the Attorney General jointly shall establish a pilot project  
23 (in this section referred to as the “pilot program”) within  
24 six months of the date of the enactment of this Act under

1 which the requirement of paragraph (7)(B)(i)(II) of sec-  
2 tion 212(a) of the Immigration and Nationality Act (8  
3 U.S.C. 1182(a)(7)(B)(i)(II)) is waived during the pilot  
4 program period in the case of any alien who meets the  
5 following requirements:

6 (1) NATIONAL OF PILOT PROGRAM COUNTRY.—

7 The alien is a national of, and presents a passport  
8 issued by, the Republic of Korea. The Republic of  
9 Korea is urged to provide machine readable pass-  
10 ports to its citizens in the near future.

11 (2) SEEKING ENTRY AS TOURIST.—The alien is  
12 applying for admission to the United States during  
13 the pilot program period as a nonimmigrant visitor  
14 for pleasure (as described in section 101(a)(15)(B)  
15 of the Immigration and Nationality Act (8 U.S.C.  
16 1101(a)(15)(B))), as part of a group tour to the  
17 United States.

18 (3) PERIOD OF STAY.—The alien seeks to stay  
19 in the United States for a period of not more than  
20 15 days.

21 (4) EXECUTES IMMIGRATION FORMS.—The  
22 alien before the time of such admission completes  
23 such immigration form as the Attorney General shall  
24 establish.

1           (5) ENTRY INTO THE UNITED STATES.—If ar-  
2       riving by sea or air, the alien arrives at the port of  
3       entry into the United States on a carrier which has  
4       entered into an agreement with the Immigration and  
5       Naturalization Service to guarantee transport of the  
6       alien out of the United States if the alien is found  
7       inadmissible or deportable by an immigration officer.

8           (6) NOT A SAFETY THREAT.—The alien has  
9       been determined not to represent a threat to the  
10      welfare, health, safety, or security of the United  
11      States.

12          (7) NO PREVIOUS VIOLATION.—If the alien pre-  
13      viously was admitted without a visa under this sec-  
14      tion, the alien must not have failed to comply with  
15      the conditions of any previous admission as such a  
16      nonimmigrant.

17          (8) ROUND-TRIP TICKET.—The alien is in pos-  
18      session of a round-trip transportation ticket (unless  
19      this requirement is waived by the Attorney General  
20      under regulations).

21          (c) WAIVER OF RIGHTS.—An alien may not be pro-  
22      vided a waiver under the pilot program unless the alien  
23      has waived any right—

1           (1) to review or appeal under this Act of an im-  
2           migration officer's determination as to the admissi-  
3           bility of the alien at the port of entry into the Unit-  
4           ed States, or

5           (2) to contest, other than on the basis of an ap-  
6           plication for asylum, any action for deportation  
7           against the alien.

8           (d) TERMINATION OF AUTHORITY.—Notwithstanding  
9           any other provision of this section, the Attorney General  
10          and the Secretary of State, acting jointly, may terminate  
11          the pilot program under this section on or after a date  
12          which is one year after the date of the establishment of  
13          the pilot program if—

14                (1) during the preceding fiscal year, the over-  
15                stay rate for nationals of the Republic of Korea en-  
16                tering the United States under the pilot program ex-  
17                ceeds the overstay rate of such nationals entering  
18                the United States with valid visas; and

19                (2) the Attorney General and the Secretary of  
20                State have jointly determined that the pilot program  
21                is leading to a significant increase in the number of  
22                overstays by such nationals.

23           (e) SPECIAL BOND AND NOTIFICATION REQUIRE-  
24          MENTS FOR TOUR OPERATORS.—

1           (1) IN GENERAL.—Nationals of the Republic of  
2       Korea may not enter the United States under the  
3       terms of this section unless they are accompanied  
4       for the duration of their authorized admission period  
5       by a tour operator who has fulfilled the following re-  
6       quirements:

7           (A) The tour operator has posted a bond  
8       of \$200,000 with the Secretary of State.

9           (B) The Secretary of State, under such  
10      regulations as the Secretary may prescribe, has  
11      approved an application by the tour operator to  
12      escort tour groups to the United States.

13          (C) The tour operator provides the name,  
14      address, birthdate, passport number, and citi-  
15      zenship of all prospective tour group members  
16      to the Secretary of State no less than one busi-  
17      ness day prior to the departure date of the  
18      group, under such regulations as he may pre-  
19      scribe, in order to determine that the prospec-  
20      tive travelers do not represent a threat to the  
21      welfare, health, safety, and security of the Unit-  
22      ed States.

23          (D) The tour operator excludes from the  
24      tour group any person whom the Secretary of

1 State denies permission to travel to the United  
2 States.

3 (E) The tour operator provides written cer-  
4 tification or other such evidence prescribed by  
5 the Secretary of State and Attorney General  
6 which documents the return to Korea of each  
7 tour group member.

8 (2) FORFEITURE OF BONDS.—Bonds posted in  
9 accordance with this subsection shall be forfeited in  
10 whole or in part and a tour operator’s authorization  
11 to escort tours to the United States may be sus-  
12 pended or revoked if the Secretary of State finds  
13 that the tour operator—

14 (A) has failed to disclose a material fact in  
15 connection with the application required under  
16 paragraph (1)(B);

17 (B) fails to comply with the advance notifi-  
18 cation and refusal requirements of paragraphs  
19 (1)(C) and (1)(D);

20 (C) has failed to take adequate steps to en-  
21 sure that visitors who are being escorted to the  
22 United States under the terms of an approved  
23 application return to their country of residence;  
24 or



1 (D) is found at any time to have commit-  
2 ted a felony or any offense under the immigra-  
3 tion laws of the United States.

4 (f) PARTICIPATION BY TOUR AGENTS.—The Sec-  
5 retary of State shall periodically review the overstay rate  
6 of nationals of the Republic of Korea that corresponds to  
7 each tour agent participating in the program under this  
8 section. The Secretary may terminate the participation in  
9 the program of any tour agent if the Secretary determines  
10 that the corresponding overstay rate is excessive.

11 (g) DEFINITIONS.—For purposes of this section—

12 (1) GROUP TOUR.—The term “group tour”  
13 means travelers who take advantage of group-pur-  
14 chased hotel or airfare packages, as guided, super-  
15 vised, and arranged by a tour agent in the Republic  
16 of Korea approved or licensed by the Department of  
17 State.

18 (2) OVERSTAY RATE.—The term “overstay  
19 rate” means, during a specified period of time, the  
20 proportion that the number of aliens remaining in  
21 the United States after the expiration of their visas  
22 bears to the total number of aliens entering the  
23 United States during that period of time.

1           (3) PILOT PROGRAM PERIOD.—The term “pilot  
2       program period” means the three-year period imme-  
3       diately following the establishment of the pilot pro-  
4       gram.

○